

**HENDERSON COUNTY  
PLANNING BOARD MINUTES  
December 20, 2007**

The Henderson County Planning Board met on December 20, 2007 for their regular called meeting at 5:30 p.m. in the King Street Meeting Room at 100 N. King Street, Hendersonville, NC. Board members present were Tedd Pearce, Chair; Renee Kumor, Gary Griffin, Mitchell Gaither, Mike Cooper, Tommy Laughter. Others present included Anthony Starr, Planning Director; Matt Cable, Planner; Matt Card, Planner, Alexis Baker, Planner, Sarah Zambon, Associate County Attorney; Autumn Radcliff, Senior Planner, Mark Williams, Commissioner and liaison to the Planning Board, and Kathleen Scanlan, Secretary. Board members Stacy Rhodes, Jonathan Parce, and John Antrim were absent.

Chairman Pearce called the meeting to order and asked for the approval of the November 15, 2007 meeting minutes. Renee Kumor made a motion to approve the minutes and Gary Griffin seconded the motion. All members voted in favor.

Adjustments of the Agenda. There was no adjustment to the agenda.

Staff Reports. Mr. Starr wished everyone a Merry Christmas and informed the Board members that the County offices would be closed for the holidays on December 24, 25, and January 1, 2008.

**NEW BUSINESS:**

Combined Master and Development Plan – Mountainside Major Subdivision (2007-M39( - Located on 65 Acres off Wickins Road – 45 Single-Family Residential Lots - Bruce Lowe with Clark and Company – Agent for Hendersonville Holdings, LLC and Mountain Building & Development, Inc., Developer and Owner. Presentation by Matt Card. Mr. Card stated that Mr. Bruce Lowe with Clark & Co., agent, on behalf of the owner, Hendersonville Holdings, LLC and Mountain Building & Development, Inc., developer, submitted the application for the Mountainside subdivision. The applicant is proposing a total of 45 single-family lots on 65 acres of land located off of Wickins Road. The subdivision will be developed on one parcel of land. The applicant is showing a total of two (2) phases and requesting approval of the Phase I Development Plan.

The property is located entirely in the R-2 Residential Zoning District. A portion of the property is also located in the WS-IV Water Supply Watershed District (see Plan). Public water (City of Hendersonville) and individual septic systems are proposed. Private roads are also proposed.

Mr. Card stated that the applicant is asking for approval of the Phase 1 Development Plan and Master Plan approval of the entire subdivision.

Mr. Card reviewed the Master Plan comments regarding the CCP and the LDC stating that it is located within the Urban Service Area and that the property is located entirely in the R-2 zoning district. The applicant has proposed a density of approximately .69 units per acre or 1.44 acres per unit. There are approximately 2.37 acres of land that have 60 percent slope or greater, but this does not affect the density of the project since the slopes are less an 10 percent of the total acreage and are clearly defined on the plan.

Mr. Card stated the Development Plan Comments are as follows:

1. **Technical Review Committee.** The applicant has proposed street trees that do not meet the minimum separation requirements in Section 200A-145 of the LDC. The applicant did not want to place trees on steep cut and fill areas along new roads with steep cross slopes. There was also some discussion about using existing trees for tree credits. At its meeting

the TRC suggested that a condition be placed on the approval of this subdivision. The TRC stated that the applicant submit a plan to planning staff showing which trees would be used for tree credits and the location of all new street trees. Planning staff would review this plan in accordance with Article V of the LDC. This plan must be submitted before the first final plat is approved for the subdivision.

2. **Gates.** The Applicant should become familiar with the Entry Gate provisions of Chapter 200A (LDC §200A-81 C(7)). All entry gates shall be constructed and maintained as required by and in accordance with Chapter 200A and Chapter 89 of the Henderson County Code, *Entry Gates*.
3. **Sedimentation and Erosion Control.** The applicant must submit to the Subdivision Administrator written notice from the appropriate agencies verifying that an Erosion and Sedimentation Control Plan has been approved or a written notice from a professional land surveyor, engineer, landscape architect, architect, or professional planner certifying that no plan is required (LDC §200A-81 A).
4. **Road Grade.** The Applicant has proposed private paved roads for the subdivision. The maximum road grade for local roads constructed of pavement is 18 percent. The applicant is proposing a road that appears to approach grades of 18 percent. A professional engineer or professional land surveyor must certify on the Final Plat that no portion of the road has a grade that exceeds 18 percent or submit a final as-built graded center line profile showing grade and alignment of the road (LDC §200A-81 C(4)).
5. **Water Approval.** The applicant has proposed public water (City of Hendersonville). According to the LDC, the applicant must provide evidence that the water supply plans have been approved by the appropriate agency. The development plan may be approved contingent on final approval from such agencies; however, the final plat shall not be approved until all such final approvals have been obtained. Any subdivision served by a public water system shall meet the minimum requirements for fire hydrants installation. (LDC §200A-81 B and LDC §200A-81 B(3))
6. **Minimum Curve Radius.** All subdivision roads must meet the private road standards found in the LDC §200A-81 C. Roads must also meet the standards for minimum curve radius in the LDC §200A-81 C(5). It appears that on the Plan some of the curve radii are less than the 90-foot minimum for private local residential roads. Where the existing cross slope on private local residential roads is 15 percent or greater, a minimum centerline radius of 60 feet shall be permitted. The Final Plat(s) must have a notation that states where the existing cross slope exceeds 15 percent a minimum centerline radius of 60 feet is permitted (LDC §200A-81 C(5)). The applicant is also requesting a 1:1 cut and fill slope where the cross slope is 20 percent or greater allowed under the LDC §200A-81 C, Table 3.1, Note 8.

Tommy Laughter made a motion that the Planning Board find and conclude that the Combined Master and Phase 1 Development Plan appears to comply with the subdivision provisions of Chapter 200A, Henderson County Land Development Code and further move the Combined Master and Development Plan be approved subject to the following conditions 1 – 6. Chairman Pearce seconded the motion and all members voted in favor.

Combined Master and Development Plan- Park Ridge Hospital (2007-M37) – Doctors Building Out Parcel – Located on 5.29 Acres off Naples Road 1 Commercial Lot – Kenneth Cob, Engineer for Fletcher Hospital, Agent for Fletcher Hospital, Inc., Owner. Presentation by Alexis Baker. Ms. Baker stated that Mr. Kenneth Cobb, agent, on behalf of Fletcher Hospital, Inc., owner, submitted the Combined Master and Development Plan for this project. Park Ridge Hospital Doctors Building Outparcel is a proposed commercial development. The project site is located on approximately 5.29 acres of land located off of Naples Road and the applicant is proposing one lot on .735 acres of the project site. The project is not located in the 100-year floodplain and is not in a water supply watershed district. The project is also in the Office and Institution zoning district with private roads

and public water and sewer serving the proposed lot. A 45- foot row-of-way is proposed for a portion of Doctors Drive.

Ms. Baker reviewed the Development Plan comments as follows:

1. **Soil Erosion and Sedimentation Control Plan.** The Applicant shall submit notice from NCDENR that a soil erosion and sedimentation control plan has been received or provide documentation that no plan is required prior to beginning construction (LDC §200A-81 A).
2. **Notice of Farmland Preservation District.** The final plat shall contain a note stating that the property lies within one-half ( ½) mile of land in a Farmland Preservation District (LDC §200A-81 P).
3. **Street Tree Requirements.** Street trees shall be required for all major subdivisions (LDC §200A-81 R). Trees shall be required at a rate of one (1) large deciduous tree per 50 feet of property abutting an internal road (LDC §200A-145). Trees shall be placed within the right-of-way or within 20 feet of the edge of the right-of-way and may be placed in groups with a maximum spacing of no more than 65 feet and no less than 15 feet (LDC §200A-146). As a condition of approval, you must provide trees at the required rate and separation and certify the same on the final plat, or bond the landscaping in order to guarantee the installation of the required improvements (LDC §200A-154).
4. **Miscellaneous Advisory Provisions.** The Applicant should become familiar with the miscellaneous advisory provisions contained in LDC §200A-81
5. **Final Plat Requirements.** The Final Plat(s) must meet the requirements provided by the Planning Department whenever a subdivision of land occurs (LDC §200A-311 B(2)).

Ms. Baker stated that the only difference to this project is that the applicant is cutting off one lot, which falls in the commercial/industrial designation and needs to come before the Planning Board and essentially the only thing that the applicant needs to do is plant some street trees to the project. She added that the TRC gave this project a unanimous recommendation to the Planning Board.

After some discussion regarding tree requirements and the fact of looking into the proper trees for the project, Chairman Pearce stated that he would leave that for Staff and the TRC to decide on. He made a motion that the Planning Board find and conclude that the Combined Master and Development Plan appears to comply with the subdivision provisions of Chapter 200A, Henderson County Land Development Code; and further move that the Combined Master and Development Plan be approved subject to the following conditions: the applicant satisfies any conditions that may result from the comments listed in the Staff Report, and conditions recommended by the Technical Review Committee. Renee Kumor seconded the motion and all members voted in favor.

Combined Master and Development Plan – Cummings Cove Sports Complex – (2007-M38) – A 5-Acre Parcel of Land is Being Divided out of a 13.9 Acre Parcel for a Sports Complex, Creating 3 New Lots within the Cummings Cove Subdivision – Mark Cathey, Civil Design Concepts, Agent for Cummings Cove Company, LLC, Owner. Presentation by Matt Card. Mr. Card stated that Mr. Jesse Gardner with Civil Design Concepts submitted a Master Plan and Development Plan for three (3) new lots being created within the Cummings Cove subdivision. The Plans show that a five (5) acre parcel of land is being divided out of a 13.9 acre parcel for a sports complex which will be used to serve the Cummings Cove subdivision. The applicant also intends on creating an out-parcel. The property is currently owned by Cummings Cove Company, LLC. The property is currently zoned R2-MH under the Land Development Code.

On November 6, 2007 the Henderson County Technical Review Committee reviewed and sent forward a favorable recommendation for approving this subdivision. The applicant has proposed a private road to serve these parcels which appear to meet the private road standards of the LDC.

The applicant has also proposed a temporary alternate turnaround that also meets the minimum standards for turnarounds. The Planning Board is the final approval authority for the subdivision.

### **Master Plan Comments:**

1. **County Comprehensive Plan (CCP).** The Future Land Use Map of the CCP shows the project site as being located within the Rural/Urban Transition Area (RTA). The Rural/Urban Transition designation of the Growth Management Strategy is applied to the project site. The RTA is intended to remain predominantly rural with a general density of five (5) or fewer acres per residential dwelling unit (average lot sizes of 5 or fewer acres per unit). The density of the project is in keeping with the CCP.
2. **Land Development Code (LDC).** According to the Land Development Code Zoning Map the proposed project site for this development is located entirely in the Residential Zoning District 2MH (R-2MH) R-2MH under the Land Development Code (LDC) allows for a density of one (1) unit per acre for single-family residential development. The applicant has proposed a density of approximately .21 units per acre or 4.66 acres per unit. There are no slopes in excess of 60% on this parcel.

### **Development Plan Comments**

1. **Technical Review Committee.** The applicant has proposed street trees that do not meet the minimum separation requirements in Section 200A-145 of the LDC, due to some unusual circumstances with the proposed sight triangles. At its meeting on November 6, 2007 the TRC specifically approved the design and layout of the street trees. The TRC is given the authority to approve this under Section 200A-155 of the LDC. The TRC made no other comments about the development proposal. The TRC also approved the major site plan for the use of the property at its November 6<sup>th</sup> meeting.

Mike Cooper made a motion that the Planning Board find and conclude that the Combined Master and Development Plan appears to comply with the subdivision provisions of Chapter 200A, Henderson County Land Development Code and further move that the Combined Master and Development Plan be approved subject to the following conditions: the applicant satisfies any conditions that may result from the comments listed in the Staff Report and conditions recommended by the Technical Review Committee. Gary Griffin seconded the motion and all members voted in favor.

There were some discussion concerning applicant's attendance and that some members would encourage the applicant of any project be present not only at the Technical Review Committee meetings but the Planning Board meetings just in case they would have any questions or concerns.

Master Plan – Laurel Rock Reserve (2007-M24) – Located on Approximately 309.85 Acres near the Intersection of Hutch Mountain Road and Clark Gap Drive – 149 Single-Family Residential Lots – Eric McAbee with McAbee and Associates Professional Land Surveyors, Agent for Couch Mountain Properties, LLC, Owner. Presentation by Matt Cable. Mr. Cable stated that Eric McAbee with McAbee and Associates Professional Land Surveyors, agent on behalf of Couch Mountain Properties, LLC, owner submitted the Master Plan for Laurel Rock Reserve. The development is proposed to contain 149 single family lots. The project is located on approximately 309.85 acres of land located near the intersection of Hutch Mountain Road and Clark Gap Drive. The project site is composed of three separate parcels: one parcel with approximately 10.28 acres; tract 2 with approximately 134.88 acres and tract 3 with approximately 164.69 acres. Mr. Cable said that the project is not located in a water supply watershed district nor is it located within the floodplain. The project site does contain a protected mountain ridge and slopes in excess of 60 percent and is located in two different zoning districts – R-2 and R-3 residential zoning districts. Private individual

wells and private individual septic are proposed to serve the project site. After discussion of conditions, these are the conditions that were discussed and recommended by the Technical Review Committee and agreed upon for approval:

1. **Comprehensive Plan.** The Applicant shall, where possible, reconfigure lots and alter the design of the development so that slopes in excess of 60 percent remain in common area/open space. Lots which contain slopes in excess of 60 percent include the following 26 lots: 6-9, 12-14, 16, 17, 32-34, 45, 50, 87-88, 108-109, 122, 126, 132, 138-139, 148, and 149.
2. **Protected Mountain Ridges.** The Applicant shall adhere to the Mountain Ridge Protection regulations of the County which state that the provisions of NCGS 113A-209 apply to all mountain ridges whose elevation is 500 feet or more above the adjacent valley floor. NCGS 113A-209 states that no county may authorize the construction of, and no person may construct, a tall building or structure on any protected mountain ridge. The definition of a tall building found in NCGS 113A-206 is any building with a vertical height of more than 40 feet measured from the top of the foundation and the uppermost point of the building. Additionally, where such foundation measured from the natural finished grade of the crest or the natural finished grade of the high side slope of a ridge exceeds three (3) feet, then such measurement in excess of three (3) feet shall be included in the 40-foot limitation provided that no such building protrudes at its uppermost point above the crest of the ridge by more than 35 feet. The area of ridge under protection is defined as the elongated crest or series of crests at the apex or uppermost point of intersection between two (2) opposite slopes or sides of a mountain, and includes all land 100 feet below the elevation of any portion of such line or surface along the crest.
3. **Road Frontage and Off-Site Access.** The Applicant shall provide an additional 20 feet of right-of-way to Clark Gap Drive (the portion from the entrance of the project to Hutch Mountain Road) in order to conform with the standards of LDC §200A-81 J. As per TRC recommendation, the Applicant shall provide, prior to or at the time of the first Development Plan submittal, a deeded and recorded right-of-way which meets the width requirements of Chapter 200A (Article III, Table 3.1), from Hutch Mountain Road (SR 1556) to the subject property. The Applicant shall, as a condition of the first Development Plan approval, upgrade Clark Gap Drive, on the portion where the additional right-of-way is provided, to meet the minimum standards of Chapter 200A (Article III, Table 2.1). The Applicant shall provide the appropriate cross section for Clark Gap Drive with the first Development Plan submittal.
4. **Road Intersections.** The Applicant shall realign Clark Gap Drive to meet the requirements of LDC §200A-81 C(6) (intersections with angles of 75 to 90 degrees preferred); and that the intersection angles be shown on the first Development Plan. The Applicant shall provide the appropriate permit for realignment from NCDOT with the first Development Plan.
5. **Street Tree Requirements.** The Applicant should become familiar with the street tree requirements of Chapter 200A (LDC §§200A-145 and 200A-146) as street trees will be required for the major subdivision (LDC §200A-81 R).
6. **Traffic Impact Study (TIS).** After some discussion, Planning Board agreed to support Staff's Option 1 as follows: The Applicant shall conduct a TIS (prepared by a licensed engineer in accordance with LDC §200A-104 and utilizing the assumptions identified by County Staff, TRC and NCDOT). The Applicant shall provide the TIS findings/information and recommended requirements as a part of the first Development Plan submittal. At that time, the Board can determine whether such recommendations be a condition of the first Development Plan Approval.
7. **Emergency Services Impact Report (ESIR).** The Applicant shall provide an alternate entry point, including a right-of-way and all weather access road, which would serve as an evacuation route or point of access only for emergency services vehicles. The Applicant shall also provide a revised Master Plan showing the alternate entry point.

8. **Fire Protection Requirements.** The *Applicant* shall provide a pond with a surface storage area of at least 100,000 gallon storage in a 50 year drought with two (2) certified static water points (accessible by an all-weather access road) and a dry fire hydrant system, the type and location of which is to be determined by the County Fire Marshal.
9. **Gates.** The Applicant is considering an entry gate for the proposed development. The Applicant should become familiar with the Entry Gate provisions of Chapter 200A (LDC §200A-81 C(7)). All entry gates shall be constructed and maintained as required by and in accordance with Chapter 200A and Chapter 89 of the Henderson County Code, *Entry Gates*.
10. **Miscellaneous Advisory Provisions.** The Applicant should become familiar with the Miscellaneous Advisory Provisions of Chapter 200A (LDC §200A-81 S).

Mr. McAbee, agent for the project, stated that they have started the reconfiguration of the lot design. He said most of the sixty percent slopes were in the very back of the lots against the property lines. He said that the idea behind this subdivision is to have on each individual lot there is going to be a very specific building envelope set up for every individual lot for the architectural review committee, so when someone comes to buy a lot, they will know up front where they can build. He said that they are working on the slope areas so that they will be in common area or open space. He requested that centrally located lots be allowed to contain these slopes, but that the size of these lots is increased to perhaps as much as three-acre lots. Mr. McAbee said that regarding the off-site access, the right-of-way across Ms. McMinn's property has been deeded and there is a recorded deed with a centerline meets and bound description with the right-of-way has been identified. Mr. McAbee said that they are working on realigning Clark Gap Drive to meet the requirements and that a Traffic Impact Study is being started. An engineer plans on meeting with Hope Bleecker of the County to see what kind of requirements will be needed for the TIS. He also mentioned that they are talking with the Fire Marshal about the impact report and the best location for the pond.

Chairman Pearce made a motion that the Planning Board find and conclude that the Master Plan appears to comply with the subdivision provisions of Chapter 200A, Henderson County Land Development Code and further move that the Master Plan be approved subject to the following conditions: 1 – 10, as mentioned above and recommended by the Technical Review Committee. Mike Cooper seconded the motion and all members voted in favor.

#### Comprehensive Land Use Plan and Land Development Code Updates – Planning Department.

Comprehensive Land Use Plan Updates: Ms. Radcliff reviewed the Comprehensive Plan updates. She said that, as to the adoption of the Land Development Code any changes that came about that were not reflected in the Comprehensive Plan previously, there needed to be amendments in the Comprehensive Plan to reflect the new policies or direction that the Board of Commissioners decided to take. She said that the Comprehensive Plan is scheduled to undergo annual reviews, but none has been done since its adoption, only because Staff was working on the Land Development Code and it was put on hold until the LDC was completed. She stated that this is not a thorough revision of the Comprehensive Plan, as that is not scheduled until 2010. She stated that the administrative changes were mostly technical and typographical errors. She reviewed the substantive amendments, which are major changes to the Comprehensive Plan. The changes included the attached documents as described in the Staff Report. Chairman Pearce made a motion that the Planning Board recommend to the Board of Commissioners to approve the proposed amendments to the Henderson County 2020 Comprehensive Plan. Tommy Laughter seconded the motion and all members voted in favor.

## Land Development Code Updates:

Ms. Radcliff mentioned that the proposed technical amendments were in the packet, but unless the Board has any concerns or issue regarding them, she will begin reviewing the list of substantive text and map amendments. There were no concerns on the technical amendments. Ms. Radcliff began her review of the Text Amendments of the LDC:

**Text Amendment 1 Issue:** A requirement of the R-0 Development is the tract must consist of not less than 40 acres.

**Recommended Solution:** Remove the acreage requirement in Section 200A-37, D(9)b1.

**Text Amendment 2 Issue:** The County has an area that falls within the N.C. designated WS-IV Critical Area for the Upper French Broad River. This area is mapped on the County's official Water Supply Watershed Protection Map, but currently there is no associated text for the WP-WS-IV-CA Upper French Broad River Critical Area Watershed Overlay Sub-District.

**Recommended Solution:** Add the following language provided by the State model Water Supply Watershed Protection Ordinance for this designation.

**Text Amendment Issue 3:** Singlewide manufactured/mobile homes are not constructed with a 4:12 roof pitch as is required in the LDC.

**Recommended Solution:** Change the 4:12 roof pitch requirement for singlewide manufactured/mobile homes in Section 200A-63, SR 1.5, to a 3:12 roof pitch as requested by the manufactured home industry which stated 3:12 as the typical roof pitch for singlewide manufactured homes.

**Text Amendment Issue 4:** Singlewide manufactured homes located in the County prior to the adoption of the LDC may not be moved to another location in the County if the home did not meet the appearance criteria found in Section 200A-63, SR 1.5, (3). This means that any home without lap siding or the specified roofing materials, etc. would not be able to be moved to another location within the County.

**Recommended Solution:** Add the following language to Section 200A-63, SR 1.5 dwelling, manufactured/mobile home: *"any singlewide manufactured home which (1) was manufactured after 1976 (HUD Approved), (2) has been located in Henderson County prior to the initial adoption of this Chapter (September 19, 2007) and (3) Do not meet the appearance criteria provided in this SR 1.5 (dwelling, manufactured/mobile home) may be moved provided said manufactured home is installed to meet the criteria of Section (5) and moved to either of the following locations: (1) a space in an existing manufactured home park or (2) a lot in a zoning district which permits the placement of new manufactured home."*

**Text Amendment Issue 5:** Outdoor storage greater than 5,000 square feet as an accessory use is not allowed to be placed in a front yard or in any yard abutting a road.

**Recommended Solution:** Change the requirements in Section 200A-63, SR 2.9 to allow storage areas to abut a street, but keep the restriction regarding placement in the front yard. Outdoor storage greater than 5,000 square feet shall not be placed in a front yard. Screening shall be provided consistent with the requirements of Section 200A-150.

**Text Amendment Issue 6:** The road classification restriction in the supplemental requirements determines if a permitted or special use in a zoning district would be allowed on a property that abutted a specific road type of classification. The supplemental requirements provide design requirements which should be adequate to provide protection to adjacent property owners. Road classification standards may be unnecessarily restrictive given the other requirements provided for by the supplemental requirements section of the LDC.

**Recommended Solution:** Remove the road classification restriction for all uses in the supplemental requirements

**Text Amendment Issue 7:** Staff has received a request to add Motor Vehicle Sales or Leasing as an allowed use in the Community Commercial District.

**Recommended Solution:** Add the Motor Vehicle Sales or Leasing as a special use in the Community Commercial (CC) district in Subpart E. Table of Permitted and Special Uses.

**Text Amendment Issue 8:** The Zoning Administrator has requested changes to the recreational and temporary use sections in the Permitted and Special Uses Table.

**Recommended Solution:** Make the following adjustments to Subpart E Table of Permitted and Special Uses Section 200A-62 as per the request of the Zoning Administrator regarding Governmental Recreational Facilities and Sporting and Recreational Facilities.

Governmental Recreational facilities were currently allowed as special use permits in all of the residential districts and the O & I and this would change that to allow them as permitted uses. The Sporting and Recreational Facilities were currently allowed in almost all of the districts but not allowed in those that the Governmental Recreational Facilities were, so we made them consistent with all of the other recreational uses. Also, Swim and Tennis Clubs and Model Home Sales Office, (temporary use), would be permitted in all districts.

**Text Amendment Issue 9:** All commercial subdivisions are treated as major subdivision and approved by the Planning Board regardless of the number of lots proposed.

**Recommended Solution:** Proposing a change so that any commercial subdivisions of thirty-four or fewer lots would be reviewed by the TRC (Technical Review Committee) and those that are 35 to 299 lots would go to the Planning Board and those that are 300 or more lots would be brought to the Board of Commissioners for their approval. She also pointed out that when a subdivision of 300 hundred or more lots was approved by the Board of Commissioners with a Master Plan only, the Planning Board would review and approve the Development Plan.

**Text Amendment Issue 10:** Except for the County acting on an improvement guarantee, there are no alternative actions and associated administrative fees if the developer fails to complete the work with two years after the initial improvement guarantee was approved.

**Recommended Solution:** Add language: *If the improvements are completed within the 2 years the applicant shall be in breach with the requirements of this section and the improvement guarantee and any and all monies and accrued interest shall be forfeited by the applicant. If the Planning Director has found that the applicant has made a good faith effort in completing the required improvements within the 2 years, the County may allow the applicant to execute a second improvement guarantee. Said agreement must be in the form of cash on deposit equal to 125 percent of the cost of the remaining improvements. The County shall assess an administrative fee equal to ten percent of the new improvement guarantee monies.*

**Text Amendment Issue 11:** There is no provision in the LDC that would allow for a reduction of the front yard setback in established neighborhoods other than through a variance request.

**Recommended Solution:** Add language that would allow for new buildings in established neighborhoods to meet the same front yard setbacks as adjacent buildings provided that those adjacent buildings were within 100 of either side of the proposed new building and approved by the Zoning Administrator. The required front yard setbacks applied to any lot shall be reduced by the Zoning Administrator at the request of the applicant to the average front yard setback of lots which are (1) located wholly or in part within 100 feet of the lot, (2) within the same block and zoning district as the lot, and (3) fronting on the same side of the road as the lot.



Ms. Radcliff reviewed the following map amendments:

**Request for Residential Map Amendment 1 – Residential District Two Manufactured Housing Along Dana Road:** Currently zoned Residential District One (R1) and is requesting Residential District Two Manufactured Housing (R2MH). She stated that Staff is supporting this request. The property is an existing subdivision where 24 of the 25 existing residences are manufactured homes and this requested district would allow manufactured homes. Mr. Starr pointed out that the area is bounded by Dana Road to the north and Mid-Allen Road to the east. Ms. Radcliff stated that the Technical Review Committee supports Staff's recommendation and the request to change to R2MH from R1.

**Request for Residential Map Amendment 2 – Residential District Two off Ridgeview Drive:** Currently zoned Residential District Three (R3) and is requesting Residential District Two (R2) by Edward Vogel, Owner. Ms. Radcliff stated that currently Staff does not support this recommendation. There is no rural agricultural area and conservation is applied to this subject area. The remaining tracts in Hidden Hills currently zoned R2 are within the Urban Service Area. She said that the owner said it should have been part of Hidden Hills and that it was developed with that subdivision, but Staff has no evidence to support that statement and that this portion is located in a very steep section of Hidden Hills and has no water or sewer availability. Ms. Radcliff stated that the Technical Review Committee agreed with Staff's recommendation that this current zoning should remain as R3. Planning Board members agreed with Staff's recommendation to remain as the current zoning of R3, but that if there is a consideration of R2, Board members felt that there should be a complete study of the entire area.

**Request for Industrial Map Amendment 1 – Industrial along Howard Gap and Old Sunset Hill Roads:** Ms. Radcliff stated that the current zoning is Local Commercial (LC) and Residential District Two Manufactured Housing (R2MH). The applicant, Warm Company and Sunset Hill is requesting Industrial (I), because the property is suited for industrial use given its current uses and location. She mentioned that Staff supports the request as well as the Technical Review Committee.

**Request for Commercial Map Amendment 1 – Local Commercial Along US Highway 64 East:** Ms. Radcliff said that currently the zoning is Residential District Two Manufactured Housing (R2MH) and the applicant, Leon Lamb is requesting Local Commercial (LC) because the property is suited for commercial use as it is located near already established commercial property in the City of Hendersonville's jurisdiction. Ms. Radcliff mentioned that it was consistent with the CCP as a community service center applied in the vicinity of the subject area. Ms. Radcliff stated that the Technical Review Committee supported Staff's recommendation and the request by the applicant to change from the current zoning of R2MH to Local Commercial.

**Request for Commercial Map Amendment 2 – Community Commercial along US Highway 64 East –** Ms. Radcliff said that the current zoning is Residential District Two Manufactured Housing (R2MH), but Mr. Martin is requesting Community Commercial (CC). The reason for the request is the property is suited for community commercial use given its location on US 64 East and its proximity to other parcels identified as Local Commercial. Ms. Radcliff stated that Staff supports this as a Local Commercial District. If it does need to go to a Community Commercial District, the area would need to be studied to alleviate a spot zoning concern, Community Commercial would need to be applied to other commercially zoned properties within the Local Commercial node areas. Ms. Radcliff stated that the Technical Review Committee made a motion that this subject area be designated as Local Commercial (LC) and not Community Commercial as requested by the applicant, Michael Martin, on behalf of Richard McDonald, Owner.

**Request for Commercial Map Amendment 3 – Community Commercial along US**

**Highway 64 East:** Ms. Radcliff stated that the current zoning is R2MH and the requested zoning by Keiji and Stefani Oshima, Owners, is Community Commercial (CC). The reason for the request is that it is suited for commercial use given its location on US Highway 64 East and adjacent uses. Staff stated that it is consistent with the CCP as there is a community service center node applied in the vicinity of the subject area. Ms. Radcliff stated that the Technical Review Committee supports Staff's recommendation and the request by the applicant to change this from R2MH to Community Commercial (CC).

**Request for Commercial Map Amendment 4 – Local Commercial along Sugarloaf**

**Road:** Ms. Radcliff stated that the current zoning is R2MH and the property owners are requesting Local Commercial, as the property is suited for commercial use. Ms. Radcliff stated that to be consistent with the CCP, Staff is not recommending commercial as no specific commercial recommendation is applied in the vicinity of subject area. The Urban Services Area designation is applied to the subject area. Ms. Radcliff stated that the Technical Review Committee had made a motion not to include this request from R2MH to Local Commercial with the other map amendment recommendations at this time and that this request should be evaluated on its own merit and that the property owners reapply through the formal rezoning process for this particular site. This would allow the surrounding property owners to give their comment and input.

**Request for Commercial Map Amendment 5 – Local Commercial along Sugarloaf**

**Road and Tee Off Lane:** Ms. Radcliff stated that the current zoning is R2MH and the requested zoning is Local Commercial by Flaughn Lamb, Owner, who feels it is suited for commercial use as is currently developed as Orchard Trace Golf Club. Ms. Radcliff stated that Staff does not support the request because the golf course is already there and is allowed under the R2MH district. Ms. Radcliff stated that Technical Review Committee supported Staff's recommendation to remain as R2MH instead of the request by the owner for Local Commercial.

**Request for Commercial Map Amendment 6 – Community Commercial along Howard**

**Gap Road:** Ms. Radcliff said the current zoning is R2MH and the request is for Community Commercial by Hendersonville Pentecostal Holiness Church. Currently the property is split zoned and the applicants request that the entire property be zoned for commercial use. Ms. Radcliff said that Community Commercial would be consistent with the CCP and should be applied in the vicinity of subject area. Ms. Radcliff mentioned that the Technical Review Committee supported Staff's recommendation and the property owner's request to change from R2MH to Community Commercial (CC).

**Request for Commercial Map Amendment 7 – Local Commercial along Brookside**

**Camp Road and Interstate 26:** Ms. Radcliff said currently it is R1 and the request is for Local Commercial (LC) by Leon Lamb, Owner. The request was based on the opinion that the property is suited for commercial use as is along I-26 and located near already established commercial property. Ms. Radcliff said that Staff does not support the request. Although this subject area may be suitable for commercial development, Staff suggests further study be undertaken before amending the official zoning map. A conditional zoning district which identifies specific commercial uses may be most appropriate for the subject area. She stated that the Technical Review Committee supported Staff's decision to keep the current zoning of R1 and denied the request of Local Commercial by Leon Lamb, Owner. Ms. Kumor said that since this property is in a flood area, why would Mr. Lamb request Local Commercial and put the area at risk? Chairman Pearce stated that he could fill in 20% and expand the amount of commercial land.

After some further discussion, most Board members felt that they do not know enough about any of these properties to make a decision.

**Request for Commercial Map Amendment 8 – Regional Commercial along Interstate 26 and Summit Springs Drive:** Ms. Radcliff stated that the current zoning is R2MH and the requested zoning is RC, Regional Commercial by Jeff Cosgrove, Summit Springs LLC, Owner. He feels that the property is suited for regional commercial use given its visibility from Interstate 26 and its proximity to other parcels identified as Regional Commercial. Ms. Radcliff said that Staff supports the request for map amendment. She stated that the Technical Review Committee supported Staff's recommendation and the request by the owner to change from R2MH to RC, (Regional Commercial).

Chairman Pearce made a motion to recommend the LDC changes, specifically as it applies to the map amendments. Mr. Pearce recommends that the Planning Board support Staff's recommendation on the following map amendments: Residential Map Amendment 1, 2, Industrial Map Amendment 1, Commercial Map Amendment 1 – 8 and on those that Staff is not recommending approval, we would recommend that these be studied as an area study plan and as a formal rezoning so that further study can be given and to look at all the factors involved instead of a brief review. Renee Kumor seconded the motion. The vote was two in favor of the vote (Renee Kumor and Tedd Pearce) and three against (Gary Griffin, Tommy Laughter and Mitchell Gaither). The motion failed.

Chairman Pearce then made a motion that the text amendments of the Land Development Code (Text Amendments 1 – 11) be approved as presented. Tommy Laughter seconded the motion and all members voted in favor.

Chairman Pearce made a motion to table any further discussion on the map amendments as Board members feel they require further study and that proper notice needs to be given before any further discussion of these amendments are made. Mr. Starr stated that at the Commissioners Retreat in January they will be given an introductory review of the map amendments and they can give the Planning Board direction for the requests given. Mr. Starr added that he encourages each Board member to visit each site to become more familiar with each study area amendment. Chairman Pearce asked Sarah Zambon whether the Board should be talking about the map amendments anymore. Ms. Zambon stated that the Board should wait for the Board of Commissioners to give further direction after the retreat and then we will follow the formal process as laid out in the Land Development Code, where if the map amendments are continued, the property will be posted and then it will come back to the Planning Board's January meeting, then it will go to the Board of Commissioners for a public hearing so that there will be several stages that public will be notified and where they will be able to give input. Mr. Starr clarified that there has been no rule or procedure violated at this point, as this is an informal review. Mr. Griffin stated that he does not feel comfortable whether formal or informal talking about rezoning property unless the public is informed as to what is going on in the community. Mr. Starr stated that there will be a sign on the property posted before the Planning Board meeting indicating that there will be discussion regarding the area. Gary Griffin seconded the motion on tabling the map amendments. All members voted in favor.

Adjournment. There being no further business, the meeting adjourned at 8:35 p.m. All members voted in favor.

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Tedd Pearce, Chairman

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Kathleen Scanlan, Secretary